IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

Bail Appl..No. 8021 of 2007(E)

LP.26/1995 OF JUDL. MAGISTRATE OF FIRST CLASS, KOTHAMANGALAM
.....

PETITIONER/ACCUSED NO.3:

SHANMUGHAN NAIR, AGED 35 YEARS,
S/O. BALAKRISHNAN NAIR, RESIDING AT 'SHANMUGHA VILASAM', SOUTH VAZHAKULAM, VAZHAKULAM VILLAGE, KUNNATHUNADU TALUK.

BY ADV. SRI.A.T.ANILKUMAR,
SRI.P.DALBI EMMANUEL.

RESPONDENT/ COMPLAINANT:

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REP. BY THE SUB INSPECTOR OF POLICE,
KOTHAMANGALAM POLICE STATION, IN CR.NO.198/1990.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. K.MOHANAN, J.

Bail Application No.8021/2007

Dated this the 24th day of December,2007.

O R D E R

This is a petition for anticipatory bail. Petitioner is the 3rd accused in crime No.198/1990 of Kothamangalam Police station with respect to the offence punishable under section 379 of IPC. The case was charge sheeted and was numbered as C.C.No.783/2007 in the file of the JFCM, Kothamangalam. The petitioner could not appear in time as he was employed at Bombay. Now the case is transferred to long pending case as L.P.No.26/1995.

2. Consequent on the non-appearance of the petitioner in L.P.26/1995 before the J.F.C.M, Kothamangalam, non-bailable warrant of arrest is issued and pending against the petitioner. This court is loathe to issue any direction so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner

surrenders before the Magistrate and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With the above observation this application is disposed of .

V.K. MOHANAN, JUDGE.

kvm/-